IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No. 107 of 2007

Sanjay Baban Walilkar — Applicant
Vs.
State of Maharashtra — Respondent

Mr.S.R.Chitnis, Sr. Counsel with Mr.S.V. Kotwal for applicant.

Mr.U.V.Nikam, APP for State.

Mr.K.S.Patil for complainant.

CORAM: B.H.MARLAPALLE,J.

January 29, 2007.

P.C.

. Heard Mr.Chitnis, the learned Senior Counsel with Mr.Kotwal for the applicant. This is an application for being released on bail in C.R. No. I-349 of 2006 registered with the Mumbra Police Station for the offences punishable under Sections 302, 341, 324, 147 to 149, 109, 120-B read with Section 34 of IPC and Section 27(1) of the Bombay Police Act. Admittedly out of the eleven accused, eight of them are in custody since 11/9/2006. Five of them are the family members and three of them are alleged to be the hired assassins. Baban and Jagan Walilkar are brothers whereas Sanjay and Deepak are the sons of Baban and Kishor is the son of Jagan. In

addition to these five accused, A. Vasudevram, Kishor Patil and Ameet Patil are the three other accused who are in custody as at present. Three other accused who were allegedly hired for the assassination of Arjun Walilkar are absconding. The preset applicant, who is the son of Baban Bedkya Walilkar had applied for being released on bail in Criminal Application No.2115 of 2006 and the same has been rejected by the learned 3rd Addl. Sessions Judge at Thane on 18/12/2006. It is also stated that prior to the rejection of the bail application by the learned 3rd Addl. Sessions Judge at Thane, charge-sheet was filed on 5/12/2006.

. I have perused the investigation papers and as per the prosecution case the five family members including the present applicant had hatched a conspiracy to eliminate Arjun Walilkar with the help of six hired accused, three of whom are arrested and three of them are absconding. Though role attributed to all the five family members is the same i.e. to eliminate Arjun Walilkar on account of land dispute i.e. land in Survey No.69 admeasuring 102 gunthas (village Dahisar), the prosecution also claims to rely upon one eye witness and the victim was found

dead on the spot i.e. on the subject land itself. The present applicant is also working as the Head Master of a private school whereas his uncle - Jagan is the President of the School Board of the very same school.

. Though the charge-sheet has been filed, having regards to the prosecution case as of now it would not be safe to release the applicant on bail as at present and the reasoning set out by the learned 3rd Addl. Sessions Judge in support of his order dated 18/12/2006 cannot be faulted with more so when the prosecution case is that the deceased was eliminated by hiring a gang of known criminals and thus it is claimed to be a case of contract killing.

. The application is, therefore, rejected. Trial expedited. If the trial does not commence within a period of six months from now, the applicant is at liberty to apply for fresh bail application to the Sessions Court.

(B.H